

Hand-Delivered**FILED**
CHARLOTTE, NC

UNITED STATES DISTRICT COURT

FEB 19 2019

for the
Western District of North CarolinaUS DISTRICT COURT
WESTERN DISTRICT OF NCCharlotte DivisionCase No. 3:19-cv-84

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ NoLauren Swaringer

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

PSA Airlines INC.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Lauren Swaringer

Street Address

4808 Stoney Trace Drive Unit J

City and County

Charlotte, Mecklenburg

State and Zip Code

NC 28227

Telephone Number

(704) 277-3425

E-mail Address

lauren_swaringer@icloud.com**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

PSA Airlines INC.

Job or Title (if known)

Street Address

3400 Terminal DR

City and County

Vandalia Montgomery County

State and Zip Code

OH 45377

Telephone Number

(937) 665-2855 office 800-235-0986

E-mail Address (if known)

(Corporate)

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Lauren Swaringer, is a citizen of the
State of *(name)* NORTH CAROLINA.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) PSA Airlines, INC., is incorporated under the laws of the State of (name) Pennsylvania, and has its principal place of business in the State of (name) Ohio.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Please see civil summons 18 CVS 14904

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Please see attached documents Complaint for civil case

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Please see civil summons 18 CVS 14904

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/19/19

Signature of Plaintiff

Printed Name of Plaintiff

Lauren Subarringer

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

CASE NO: 3:19-CV-84

LAUREN SWARINGER
Plaintiff,

VS.

COMPLAINT FOR A CIVIL CASE

PSA AIRLINES INC.,
Defendant,

February 19, 2019

TO THE HONORABLE CHIEF JUDGE FRANK D. WHITNEY

COMES NOW the Plaintiff, Lauren Swaringer, who here by submits her Complaint for a Civil Case and states as follows:

STATEMENT OF FACTS

PSA Airlines employed myself, Lauren Swaringer, the Plaintiff, on a start date of September 4, 2016 as a Flight Attendant with perfect health conditions. The Association of Flight Attendants-CWA experienced first hand chemical testing of TwinHill uniforms with another airline during 2011-2014 which then tested to contain "low levels" of harmful chemicals therefore warranted AFA-CWA the recommendation of urging airlines to discontinue shipments from TwinHill for company uniform supply. Despite the testing recorded by AFA-CWA in April 2016, in October 2016 PSA Airlines issued and required all Flight Attendants to wear the new TwinHill company uniforms. In May 2017 after forcefully being placed on a leave of absence due to my worsening health condition I applied for Worker's Compensation through *Sedgwick Claims Management Services*, for the state of North Carolina, which administers Workers' Compensation for American Airlines and was *denied*.

JURISDICTION

This court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. 1331, which provides district courts with jurisdiction over civil actions arising under the United States Constitution or laws of the United States. This court has personal jurisdiction over the plaintiff because the plaintiff is of this state. Venue is proper pursuant to 28 U.S.C. 1391(b) because the events giving rise to the allegations in this complaint occurred in this district. Under 28 U.S.C. 1332, a case in which a citizen of one state sues a citizen of another state or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case, thus being a Diversity of citizenship for federal court jurisdiction.

ARGUMENT

In April 2016, October 2016, February 2017 and again in March 2017, my uniform had been verified by laboratory evidence to excess exposure containing harsh and dangerous chemicals levels of but not limited to; Formaldehyde, Dimethyl fumarate, Diisodecyl fumarate, Various heavy metals (including nickel, cadmium, arsenic, lead, cobalt, chromium, antimony), Disperse dyes (recognizing that there is a long list...) and azo dyes, Pentachlorophenol, Tetrachlorophenol, Trichlorophenol, NP, NP(EO), OP(EO), and etc. With all occurred testing 11 chemicals in various garments where found all to be *irritants*, three of them are *carcinogens*, four are *probable human carcinogens*, and eight can *disrupt hormones*. In April 2016, testing of 31 TwinHill Flight Attendant uniform garments all identified “low levels” compounds of *irritants*; chemicals that cause irritation to the skin, eyes or respiratory tract that is local to the part of the body that is exposed to the chemical in question, and *sensitizers*; chemicals that cause immune-mediated response which is generally more serious than the “local” type of irritant reaction and may be systemic, rather than localized (*Please See Exhibit A*). Although these compounds are low levels it has been *proven* that these chemicals contained in the garments *can*

cause harm if continued direct exposure for an extended period of time. In October 2016, PSA Airlines still authorized the release and mandatory uniform policy of TwinHill uniforms. In October and December 2016, AFA-CWA composed a testing and a online uniform reaction survey for Flight Attendants about the newly issued uniforms. Again it was discovered that the uniforms contained harmful chemicals and the survey stated that 82% of respondents reported skin symptoms, 65% reported eye symptoms, 69% reported respiratory symptoms and 73% respondents reported non-irritant symptoms (*Please See Exhibit B*). After this testing and survey, PSA Airlines still required myself to wear the newly issued uniform from TwinHill until February 2017, at which time HR required a doctors note in order to opt-out of the uniform policy. PSA failed to post in the employee lounge or on their website/employee email about the uniform reactions until March 2017 *after* another testing of 14 uniform garments containing the same chemicals that was previously tested in April 2016, October 2016 and February 2017. I, Lauren Swaringer was not allowed to opt out of the uniforms without a doctors note until May 2017.

Unaware of the uniform reactions until April 2017 when I was instructed by a medical professional not to wear my uniform. Although wearing an alternate uniform I was rushed to CMC Emergency in May 2017 for face and throat swelling and severe allergic reaction. After meeting with HR on May 17, 2017 I was driven and escorted by a PSA Airlines driver to be examined by my employers medical professional in a office setting, whom concluded that I was "Unable to Work as of 05-17-2017" due to a serious medical illness resulted from long extended hours in and around my uniform. As a result I applied for workers' compensation.

Finally, On May 22, 2017, Sedgwick Claims Management Services stated in a letter sent to me; "*After careful consideration of all available information, it is our opinion that your claim for workers compensation benefits is not compensable.*" Also stated in writing "*This is to inform*

you that the claim for the injury on 02/23/2017 is DENIED for the following reasons: 1-No Compensable Accident; D-Does not meet statutory definition of accident. 2-Defendants deny that the plaintiffs claimed skin condition is the result of an injury by accident or occupational disease arising out of and in the course of his employment (Please see Exhibit B). After receiving this letter I then reached out to Myrna Lopez, Claim Adjuster, to establish clarification on the denial and was told *"The state of North Carolina does not recognize an allergic reaction to employee issued uniforms as a workers' compensation."* After being denied I was encouraged by my union rep, whom is also a Flight Attendant for PSA Airlines, to file for Short Term Disability then Long Term Disability through the Hartford; our employers insurance provider. Because I am required to have an EPI-Pen on my persons at all times and my continuance of serious medical issues, PSA Airlines stated that they accommodated my disability by approving my short term disability then long term disability thus allowing my Medical Leave.

CONCLUSION

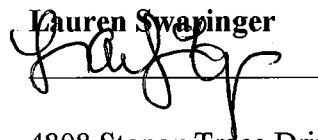
PSA Airlines not only knew with *substantial certainty* that the uniforms had been tested to contain these dangerous chemicals they not only failed to make sure I knew of the risk of these uniforms in a substantial amount of time, they also failed to relieve myself of the use of wearing per uniform after multiple testings and employee reaction surveys. With knowledge of the dangers of the chemicals found with testing and all the evidence from AFA-CWA, PSA Airlines continued to allow employees, with little to no symptoms, to wear and expose "opt-out" uniform reacted employees, like myself, of harmful uniforms. Furthermore, without being aware, when hired, that the newly issued uniforms contained "low levels" of harmful chemicals, PSA Airlines failed to give the knowledge of the uniform testing and possible reactions to TwinHill garments by not calling a nation wide meeting with all employees *before* the release of the new uniforms advising the possible risk of contact with "low level" chemicals and *after* the survey in

December 2016. Due to my failure of knowledge or the option to opt-out of wearing the uniform until after exposure, I was not only intentionally exposed to dangerous chemicals that caused direct harm and great injury to me but also I was medically diagnosed to be unable to continue to pursue any sort of future career.

WHEREFORE, I, Lauren Swaringer, Plaintiff, these reasons set forth in my motion, respectfully asks this court to enter an Complaint for a Civil Case and to *proceed* to court mediation in order to receive compensation for permanent damages and injuries occurred by PSA Airlines negligence.

Respectfully Submitted this 19th Day of February 2019.

Lauren Swaringer



4808 Stoney Trace Drive
Unit J

Charlotte, NC 28227

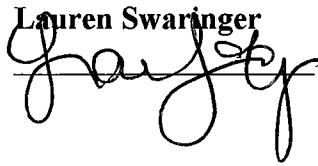
Telephone: (704) 277-3425

E-mail: Lauren_Swaringer@icloud.com

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **PLAINTIFF LAUREN SWARINGER REPLY TO DEFENDANTS MOTION TO DISMISS** does not exceed 1,500 words, excluding case caption, and any certificates of counsel, and is thus in compliance with this Court's Initial Scheduling Order.

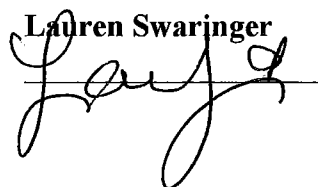
Lauren Swaringer

A handwritten signature in black ink, appearing to read 'Lauren Swaringer', written over a horizontal line.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February 2019, I hand delivered the foregoing **PLAINTIFF LAUREN SWARINGER COMPLAINT FOR A CIVIL CASE** with the Clerk of Court and I hereby certify that I have mailed the document to the following parties by depositing a copy thereof in the United States mail, return receipt requested in Charlotte, North Carolina, postage prepaid and addressed as follows:

PSA Airlines Attorneys
Bradley Arant Boult Cummings LLP
214 North Tryon Street
Suite 3700
Charlotte, NC 28202

Lauren Swaringer


STATE OF NORTH CAROLINA

File No.

18CVS14904

Mecklenburg County

In The General Court Of Justice

☐ District ☐ Superior Court Division

Name Of Plaintiff

Lauren Swaringer

Address

61 Roberta Rd SW

City, State, Zip

CONCORD NC 28025

VERSUS

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)

PSA Airlines, INC
Angela Keck, Manager

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

PSA Airlines
5501 Josh Birmingham Pkwy,
Charlotte, NC 28208

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

61 Roberta Rd SW
CONCORD, NC 28025

Date Issued

7/30/18

Time

12:28

☐ AM☒ PM

Signature

☒ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM☐ PM

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

FILED

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

Lauren Swaringer
61 Roberta Rd SW
Concord, NC 28026

Plaintiff,

vs.

PSA Airlines
6501 Josh Birmingham Pkwy
Charlotte, NC 28268

Defendant.

2018 JUL 30 PM 12:58
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
MECKLENBURG COUNTY
FILE NUMBER: 18CS14904

BY) JURY REQUESTED ☐

COMPLAINT

I, the Plaintiff(s), complaining of the Defendant(s), say and allege that

1. The Plaintiff is a citizen and resident of Cabarrus County, North Carolina.
2. The Defendant is a citizen and resident of Mecklenburg County, North Carolina.
3. The Court has jurisdiction over this matter.
4. (State what the defendant has done to cause the damages you are claiming by listing each wrongful act separately)

A. The plaintiff issued new uniforms^{in September of 2016,} that contained levels of Dichlorophenol, Formaldehyde, Tetrachlorophenol and more → (Back)

B. My medical condition has caused the plaintiff to grant + place myself on short term disability as of May 4, 2017 which has now → (Back)

C. Due to the result of the^{long term} chemical exposure while wearing the issued uniforms - my medical condition now limits myself from working for any employer past, present + future. Also this condition [stated from multiple physicians] → (Back)

D. Being exposed to chemical poisoning and obtaining medical
leave has resulted in ^{endless} ~~continued~~ medical debt, homelessness, (Below) ↓

WHEREFORE, the Plaintiff demands judgment against the Defendant for:

I am asking the court to award judgment against the defendant(s) in the sum of \$ 6,000,000.00
(state claimed damages)

I am also asking for reimbursement of my court costs and interest at the legal rate from the date of judgment.

For such other, further, and different relief to which the Plaintiff may be entitled.

This the 30th day of July, 2018.

Lauren Swaringer
Plaintiff

61 Roberta Rd SW
Address

Concord, NC 28025
City/State/Zip

(704) 721-0504
Telephone

- A. which resulted in my medical condition of angioedema that has progressed to anaphylaxis that has now caused consistent hospitalization & therapy with persistent cyst forming on ovaries
- B. Progressed to Long Term Disability as of December 2017 through their insurance provider The Hartford.
- C. Limits my ability to sit, stand or walk for long periods, take hot showers, elevate my heart rate, eat certain foods, wear certain clothing and from operating a motor vehicle due to now impaired vision.
- D. emotional distress, PTSD, continuance of therapy for myself & children, pain and suffering and also lost of guardianship of my four children all under the age of 8.

VERIFICATION

Lauren Swaringer says that he/she is the Plaintiff in this matter, that he /she has read and understood this COMPLAINT and knows the contents to be true of his/her own personal knowledge, except for those matters and things set forth upon information and belief; and as to those matters and things, he/she believes them to be true.

Lauren Swaringer

Plaintiff

Sworn to and subscribed before me this 30 day of July 18.

Christina Lunn
Notary Public

My commission expires: April 21 2022

